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Ex. 5 Deliberative Process (DP)

Subject: News Articles (For EPA Distribution Only)

BNA DAILY ENVIRONMENT REPORT ARTICLES

UN Body to Study Chemical Aniline's Cancer-Causing Potential

By Pat Rizzuto

Posted July 1, 2019, 5:53 PM

The cancer-causing potential of a chemical used in agriculture and to make explosives, polyurethane foam, synthetic dyes, varnishes, and stabilizers for the rubber industry will be reviewed by a World Health Organization agency in 2020.

States Sue EPA for Inaction on Collecting Asbestos Data (1)

By Pat Rizzuto

Posted July 1, 2019, 12:45 PMUpdated July 1, 2019, 4:32 PM

Eleven attorneys general are suing the EPA for rejecting their petition to require companies to report asbestos import and use data.

No Harm, No Case, EPA Tells Court in Chemical Rule Challenge

By Pat Rizzuto

Posted July 1, 2019, 11:29 AM

A lawsuit that environmental, health, and labor groups have brought challenging two EPA chemical rules must be dismissed because no injury has occurred, the agency and a coalition of industry groups told a federal appeals court.

INSIDEEPA.COM ARTICLES

Dunn Sees 'Heavy Lift' Meeting TSCA Deadline For First 10 Risk Evaluations

EPA's toxics chief says the agency is facing a "tall order" and a "heavy lift" as it works to meet the revised toxics law's December 2019 deadline for evaluating risks of the first 10 existing chemicals subject to assessment, opening the door to the possibility that the agency may not meet the deadline without using a six-month extension the law allows.

EPA Finds Few Risks In New Draft TSCA Reviews, Sparking Legal Threats

EPA's two newest draft risk evaluations of chemicals under the revised Toxic Substances Control Act (TSCA) preliminarily finds few if any conditions of use present unreasonable risk for the largely phased-out flame retardant HBCD and the solvent 1,4-dioxane, whose uses will likely remain on the market as a result.

Top EPA toxics official announces retirement

Jeff Morris told Office of Pollution Prevention and Toxics (OPPT) staff June 27 that he would retire in December after 30 years of federal service, sources say.

EPA toxics chief touts PBT rule as TSCA model

The proposal includes "a range" of chemical management strategies, including concentration restrictions and container management strategies, EPA's toxics chief says.

Pallone vows to pressure EPA to strengthen PBT proposal

"These toxic chemicals pose serious risk to Americans' lives and livelihoods, and therefore demand a much more serious response than the one EPA has offered," the House energy committee chairman says.

House Approves FY20 Limits On Trump EPA, Though Next Steps Unclear

House Democrats have approved fiscal year 2020 spending legislation for EPA and other agencies that includes numerous provisions blocking Trump administration environmental rollbacks, though it is far from clear whether the provisions will survive negotiations with the GOP-controlled Senate and the White House.

Rejecting Industry Calls, ATSDR Backs EPA's Strict Risk Approach On TCE

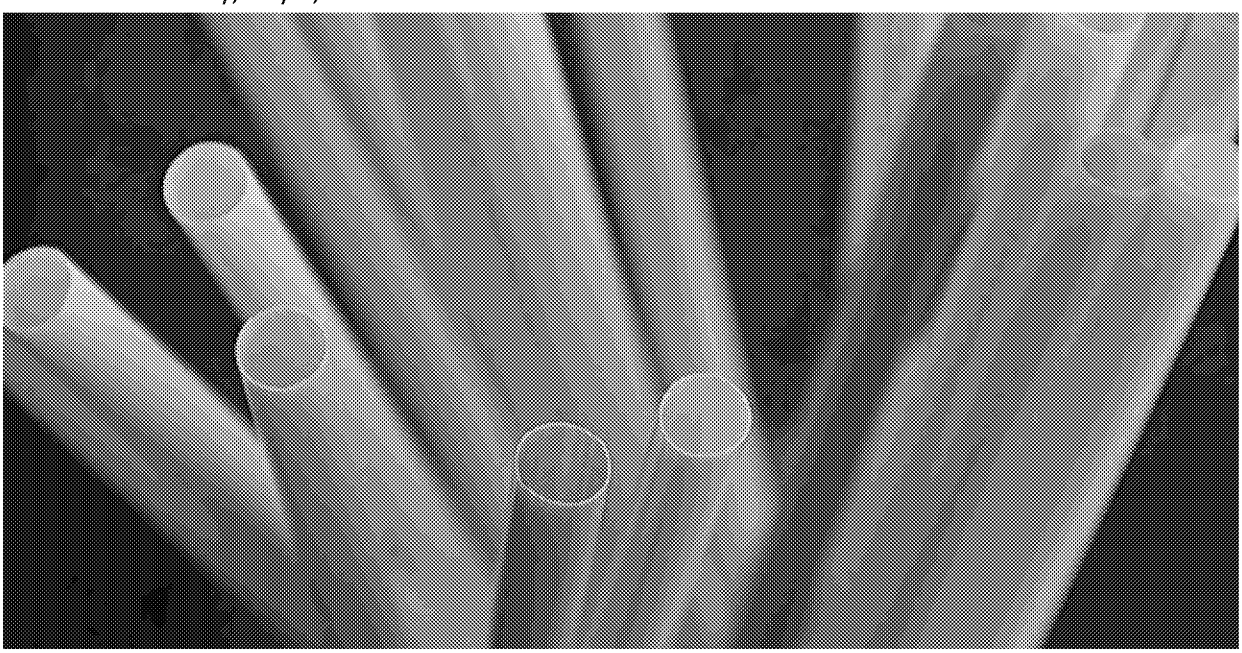
The Agency for Toxic Substances and Disease Registry (ATSDR) is backing EPA's 2011 assessment setting strict risk values for the ubiquitous solvent trichloroethylene (TCE), rejecting industry calls to ignore a controversial toxicology study that EPA's risk program used when it set TCE risk values to protect against fetal heart malformations.

GREENWIRE ARTICLES

Fines go into effect in D.C. against straws, stirrers

Avery Ellfeldt, E&E News reporter

Published: Monday, July 1, 2019



Fees go into effect today for Washington, D.C., businesses that violate a plastic drinking straw ban. manfredrichter/Pixabay

Washington, D.C., businesses will now be subject to steep fines if they provide customers with single-use plastic straws or stirrers.

Today marks the end of the six-month grace period D.C. lawmakers gave businesses to fully comply with the ban, which was first announced in January.

https://www.eenews.net/greenwire/2019/07/01/stories/1060681767

David Attenborough praises plastic-free festival

Published: Monday, July 1, 2019

The Glastonbury Festival in England went plastic-free this year, and broadcaster and naturalist David Attenborough was delighted.

Attenborough surprised the festival audience when he appeared on stage and hailed those present for supporting the anti-plastic movement. Over 1 million plastic bottles would have been used at the festival otherwise, Attenborough said, before enthusiastically thanking the audience.

Attenborough spoke about his recent "Blue Planet II" series, which highlighted plastics' destructive effects on the ocean.

https://www.eenews.net/greenwire/2019/07/01/stories/1060681801

CHEMICAL WATCH ARTICLES

Google looks to grow safer alternatives adoption across company

Circular economy commitment just the beginning, says multinational

1 July 2019 / Electrical & electronics, Sustainable chemistry, United States

Google has plans to go beyond its recently announced circular economy strategy to grow the use of safer alternatives across the company and is forging policy partnerships to do so.

In an interview with *Chemical Watch*, the multinational company said it has been working in this space since it began selecting alternative building materials in 2012.

But the 18 June announcement of a 'Circular Google' represents its first public, "company-level commitment" to circularity.

Under the scheme, Google plans to eliminate antimicrobials and use safer flame retardants in its consumer electronics production by 2023.

A company spokesperson told Chemical Watch it identified these substances as top priorities "due to the combination of their human and environmental impact".

Furthermore this commitment is just the beginning. "We intend to take action to grow the use of safer alternatives in our products, operations, supply chains, and infrastructure," it said.

The company acknowledged that the shift will not come without challenges. For example, flame retardants are often required to ensure safety from runaway thermal events, though Google has found that it can use less hazardous alternatives and still meet the same performance requirements.

In some circumstances, it has had to work with standards committees, NGOs, and other stakeholders to change building codes that may prevent the use of safer non-brominated alternatives.

"Google has been working with peer organisations and the Green Science Policy Institute since 2012 to advocate for products that are free of brominated flame retardants," the company said.

Drive toward circularity

To guide its work in the near future, Google has set subgoals on a shorter timeframe to shift its relationships with the suppliers of its raw materials. These include:

- developing a scalable model for new hard drives, using rare earth magnets from recovered end-of-life drives in 2019;
- deploying three community renewable energy projects in the Democratic Republic of Congo to diversify economic options for people in mining communities in 2019; and
- developing supply chain contracts to prioritise and accept secondary use materials by 2020.

True circularity, it added, will require identifying "the right policy levers to accelerate the transition". To this end, Google has forged partnerships across industries, with the Ellen MacArthur Foundation, the World Economic Forum and the global software and supply chain company SAP.

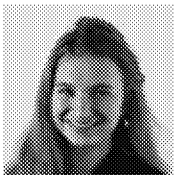
"The team will continue to engage new strategic partners as we execute on our strategy," Google said.

This strategy could also come into the space where Google is most at home: in data and search engines. For example, the company plans to increase access to chemical hazard assessment data and create more demand for safer material innovation.

The company said it established a circular economy programme in 2015 "to embed circular economy principles into our infrastructure, operations, products, and culture."

"Since then we've worked with teams across Google to apply circular economy approach[es] in our operations and explored the role that Google technology can play in enabling a circular future for everyone," said the spokesperson.

"After nearly four years we have learned a tremendous amount."



Lisa Martine Jenkins

Americas reporter

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- Building transparency
- Google circular economy plan will remove certain toxics from supply chain

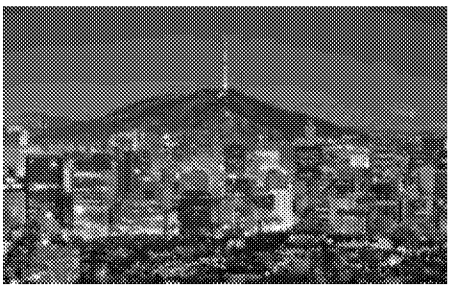
Further Information:

- A Circular Google plan
- A Circular Google blogpost
- Safe Chemistry and Healthy Materials report

Companies miss pre-registration deadline in South Korea

Short time-frame and changing instructions blamed

1 July 2019 / K-REACH, South Korea, Substance registration



A "compressed" time-frame, uncertainty surrounding GHS classifications and last-minute changes to instructions meant some companies missed the 30 June deadline to pre-register existing substances under K-REACH in South Korea, the American Chemistry Council said. This is despite the Ministry of Environment dismissing claims from companies last month that they would find the deadline difficult to meet.

By yesterday, companies were required to 'pre-report' any substances they manufacture or import at volumes of one tonne or more to the MoE. According to the ministry, if a company misses the deadline, it will be effectively banned from manufacturing or importing the substance.

The ACC said the government issued changing instructions and clarifications on a weekly basis. "This made it difficult for companies to monitor the changing flow of information, digest it and respond. This was made more difficult because information was only offered in Korean, with no real-time English (or other language) translations available – and the difficulty was further amplified by a compressed time-frame for compliance," a spokesperson said.

One example was the MoE's recent release of last-minute instructions on two categories of substance that were not covered in the original notice – UVCBs and other substances where overseas suppliers or manufacturers did not provide the information needed to satisfy the pre-registration process due to CBI concerns.

The ACC said some companies had expressed concern that they would not be able to provide all the information requested by the 30 June – and the Korean government offered no extension to this deadline.

More data required than EU REACH

Companies had to provide more data to pre-register under K-REACH than under EU REACH, explained Sanghee Park of South Korean consultancy Chemtopia. This included tonnage band, use and a GHS classification. "Companies could choose to submit their own GHS classifications or pull classifications from the MoE's GHS list, the Korea Occupational Safety and Health Agency (Kosha) GHS list, EU CLP or Japan's GHS," she said. "But in most cases, the classification is not the same and industry was unsure of which should apply."

The environment ministry suggested that industry submit GHS classifications in time for the deadline and discuss which was most appropriate in the relevant substance information exchange forums (Siefs) at a later date. However, "industry thinks the MoE should consider this issue on a longer-term basis, because GHS classification is important to determine the scope of data requirements" Dr Park said.

Furthermore, if – after a company has submitted a pre-notification – there is any change in the use or tonnage band of their substance, the pre-notification must be updated within a month. "It seems that this requirement will apply right up to the completion of full registration. However, it is doubtful whether timely updates are feasible or not," she added.

Because of the confusion, some companies in South Korea did not meet the deadline, she added. They are now trying to proceed using the 'late pre-registration' process that exists under K-REACH. "But this provision only applies to companies that are newly manufacturing or importing substances after the pre-registration deadline. It is unclear whether this is a good choice but it is the best they can do," Dr Park said.

However, one EU-based speciality chemicals company told Chemical Watch it felt the Korean government had handled the process well and that it had worked "pragmatically" by accepting documents that are available from other regulatory schemes.

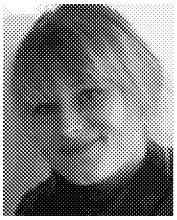
Registration the bigger burden

The company anticipated the "tricky part" to be not pre-registration but registration itself. This is because it will require the registration of polymers, formulations and low-volume substances.

With regards to polymers, data from the EU is limited, the company said. With formulations, 'local' businesses in the EU leave registration to the 'big' raw material suppliers while, in South Korea, the burden will fall to the 'small' formulators, as the importers. And low volume substances are causing concern because the organisation (in terms of time and cost) it will require to register them is independent from volume and market size, and so they will have a much higher relative impact for a comparatively small market like South Korea.

Next steps

For companies that met the 30 June deadline, the government will grant a grace period until 31 December 2030 to fully register substances, with grace periods varying depending on the tonnage band. Industry must now join the relevant Siefs for the substances they handle. "The full registration process is very similar to the priority existing chemicals (Pecs) registration under the previous K-REACH and EU REACH registration," Dr Park said.



Charlotte Niemiec

Deputy news editor

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- South Korea's MoE dismisses K-REACH pre-notification concerns
- South Korea adds pre-notification instructions just before deadline

US EPA toxics head Jeff Morris plans to leave the agency

1 July 2019 / TSCA, United States

The US EPA has confirmed to Chemical Watch that Jeff Morris, director of the EPA's Office of Pollution Prevention and Toxics, plans to retire in December.

The OPPT falls under the purview of the Office of Chemical Safety and Pollution Prevention, and its responsibilities include managing TSCA programmes. Mr Morris has worked for the federal government for three decades and his departure will coincide with several statutory deadlines under the revised TSCA, which are coming up at the end of the year.

"While I'll be genuinely sorry to see him go, I know he leaves the office well positioned to continue tackling the challenges inherent to its mission of protecting human life and the environment," said Alexandra Dunn, who leads the OCSPP.

California lists PCBTF as Prop 65 carcinogen

Solvent's designation comes despite protest from coatings industry

1 July 2019 / Built environment, Confidentiality & right-to-know, Prop 65, Solvents, US states

California's Office of Environmental Health Hazard Assessment (Oehha) has listed the solvent para-chlorobenzotrifluoride (PCBTF) as a carcinogen under Proposition 65.

Under the state's scheme, companies are required to provide warning for significant exposures to chemicals identified as causing cancer or reproductive toxicity.

PCBTF, also known as p-chloro-α,α,α-trifluorotoluene, is a solvent used in paints, coatings and inks, and as an industrial intermediate in the production of other substances.

Oehha added it to Prop 65 under the 'authoritative bodies' listing mechanism, based on a 2018 report from the National Toxicology Program (NTP), which concluded it causes cancer.

During a consultation on the proposed listing, the American Coatings Association had argued that PCBTF had not been "formally identified" by the NTP as causing cancer, and that Oehha lacks sufficient evidence of the substance's carcinogenicity.

But the state agency disputed these concerns in a response to comments accompanying its final determination, and upheld that the NTP's findings satisfy the statutory listing criteria.

The coatings industry also raised concern that PCBTF is an "exempt" compound for the purpose of volatile organic compound (VOC) emissions regulations – because the substance does not significantly contribute to the development of ground-level ozone – and that there are no viable alternatives to replace it in formulations where it is currently used.

Its addition to Prop 65, they argued, could cause air quality regulators to remove the exemption, which would result in "eliminating the public health benefits from ozone reductions that flow from use of PCBTF in paint, sealant, and similar products".

But Oehha said in its response that Prop 65 does not ban chemicals, nor does a listing preclude its continued use in these products. "Issues related to the benefits of using the chemical and the potential consequences of listing it under Proposition 65 cannot be considered in the listing process," it added.

The agency did, however, signal its intent to develop a no significant risk level (NSRL) – an exposure level below which warning would not be required.

The listing took effect on 28 June 2019. There is a 12-month grace period before warning is required.

Kelly Franklin

North America editor

Related Articles

- California eyes PCBTF Prop 65 listing, adds two others
- Feature: US states adopt tough line on volatile organic compounds

Further Information:

- Listing

- ACA comments
- Response to comments

Japan concludes decaBDE and HBCD of low concern in consumer products

Similar results found by US EPA

1 July 2019 / CSCL, Japan, POPs, Restricted substance lists, Risk assessment, SVHCs

Japan's National Institute of Technology and Evaluation (Nite) has published risk assessments on two chemicals – 1,2,5,6,9,10-hexabromocyclododecane (HBCD) and decabromodiphenyl ether (decaBDE) – to which Japanese people are exposed via indoor consumer products and cars. And it has concluded that for both "the risk is not at a level of concern" for either adults or children under the age of six.

The Chemical Management Centre (CMC) under Nite, which conducted the assessments, found that even when the exposure amount for decaBDE was overestimated by a reasonable amount this was still the case.

The assessment also notes that other flame retardants are being considered to replace decaBDE in the future, which may introduce new risks – and attention should be paid to these "risk trade-offs".

For HBCD, the CMC used target products – such as tatami mats – in its assessment and, even though these will be continuously used, it concluded that the level of human health risks was "not at a level of concern" for either group.

Both substances are designated Class I specified chemical substances under the Chemical Substances Control Law (CSCL). This means the import, manufacture and sale of products containing them is prohibited.

They are used mainly as flame retardants for resins and textiles.

The assessments state that decaBDE is also used in consumer products such as electrical appliances, plastic products and car seats, and HBCD in products such as insulation for building materials and as a flame retardant for curtains.

DecaBDE and HBDC in Asia and the US

Taiwan placed HBCD on its list of Class 1 toxic chemical substances in 2014 and, it added decaBDE in March this year.

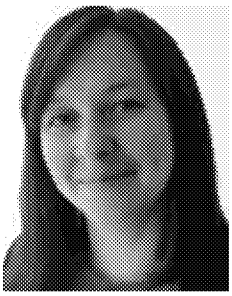
China added HBCD to its list of toxic chemicals that are "severely restricted" from import/export in December 2016. And decaBDE was included in its first batch of priority control chemicals in 2017.

Also in March, Thailand's Department of Industrial Works (DIW) consulted on adding decaBDE to its hazardous substance list.

Australia's Nicnas issued its final assessment report on the substance in May. As with a draft report issued in March, it recommends the government "explore options for managing the use of decaBDE and its import into Australia".

Meanwhile, in a recently released draft TSCA risk evaluation, the US EPA has proposed to conclude that HBCD does not present concerns to human health or the environment. It says use in construction materials have "declined dramatically".

The Science Advisory Committee on Chemicals (SACC) will conduct a peer review at the end of the month and the findings may change based on the comments received.



Ellen Tatham

Asia reporter

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- Taiwan and China introduce controls on seven POPs
- EPA puts HBCD on 'toxic' list
- Taiwan and China introduce controls on seven POPs
- Flame retardant HBCDD added to 'severely restricted' list
- China's MEP publishes first batch of priority control chemicals
- Thailand consults on four hazardous substances
- List of hazardous substances BE2556 (2018 revision)
- Australia issues final report on decaBDE
- Australia's Nicnas proposes 'managing' use and import of decaBDE
- EPA releases draft TSCA evaluations for 1,4-dioxane, HBCD

Canada proposes adding DBDPE, DP to schedule one

2 July 2019 / Canada, Environmental Protection Act, Risk assessment, Substance notification & inventories

Canada has proposed adding two substances, known as DBDPE and DP, to the country's list of toxic substances – schedule 1 of the Canadian Environmental Protection Act, 1999 (Cepa).

This comes less than two months after the government confirmed draft conclusions that the two flame retardants may have harmful ecological effects. Their addition to schedule 1 would enable the government to impose risk management measures to address these concerns.

DBDPE

Decabromodiphenyl ethane (DBDPE) has been used as a flame retardant in Canada since the early 1990s and has many applications, including in: plastic and rubber materials; electrical and electronics; automotive, aircraft, and transportation; adhesives and sealants; and basic organic chemical manufacturing.

While DBDPE is not produced in Canada, it is imported in high enough volumes that there is indication of the "potential for widespread release into the Canadian environment", according to a notice in the *Canada Gazette*.

Globally, the substance enters the environment primarily through waste streams or effluents from manufacturing and processing plants, and from releases from consumer products. Therefore, it is proposed to conclude that DBDPE presents a risk of ecological harm. It meets the criteria for persistence, but not for bioaccumulation.

In Europe, DBDPE was identified in 2012 for evaluation under REACH's Community Rolling Action Plan (CoRAP).

DBDPE is not listed on Canada's Domestic Substances List (DSL), so it is subject to regulations specific to new substances under Cepa. It has 11 ministerial conditions imposed upon it, to limit imports of the substance for use only as a flame retardant additive in thermoplastic and thermoset parts and coatings.

DP

Dechlorane Plus (DP) is also imported to Canada as an additive flame retardant and is used internationally in such uses as wire and cable jacketing, electronics, appliances, automobiles, hard plastic connectors and plastic roofing materials.

The substance is most likely to occur during industrial process activities, through wastewater and directly. It is expected to be persistent in water, soil and sediment, and studies indicate that it may be highly bioaccumulative.

And, while DP is only imported in low quantities in Canada, "certain Canadian regions are experiencing high environmental concentrations of the substance, potentially due to proximity to US manufacturing sources in the Great Lakes region," the notice says.

In the US, it is listed as a high production volume (HPV) chemical). And in Europe, Echa added DP to the candidate list of substances of very high concern (SVHC) for authorisation in 2018. If added to the list in Canada, industry will be prohibited from placing DP on the market or using it after a given date, without special permission.

DP is listed on Canada's DSL, but is not subject to any substance-specific risk management.

Related Articles

- Canada confirms 'harmful' conclusions on DP and DBDPE
- Canada consults on flame retardant screening assessments

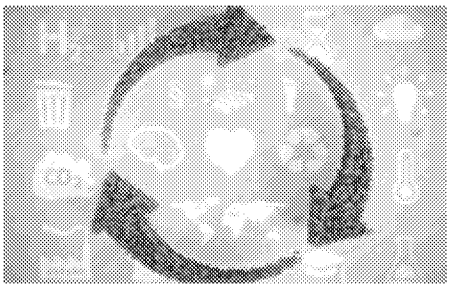
Further Information:

- DBDPE and DP notices

EU non-toxic environment strategy likely to be abandoned due to rift

Industry says name of initiative implies more legislation, questions impact on competitiveness

2 July 2019 / EDCs, Europe, Nanomaterials, Substances of concern



Strong opposition from industry and an internal rift could signal the end of the European Commission's long-overdue commitment to develop a non-toxic environment strategy, sources from the EU executive have said.

The strategy, conceived in 2013 by the environment directorate under the 7EAP, has encountered great resistance from DG Grow – the directorate for internal market, industry, entrepreneurship and SMEs – which believes a 'non-toxic' environment would set an impossible goal for industry and hurt the EU's competitiveness.

The divisions, which extend to whether the blueprint should even be called a 'strategy', have become difficult to reconcile, with few in the Commission's ranks now thinking it will ever materialise – at least not without some major changes to its title and scope.

Originally due by the end of 2018, it had been postponed until a new Commission takes office later this year. However, even this timeframe now looks too optimistic, the sources said.

"There is no consensus in the Commission," one senior official said, adding DG Grow is "really not in favour of it".

The strategy, as it was first envisaged under 7EAP, has also become "outdated and irrelevant" after six years, they said, and the Commission is keen for something "deeper, wider and more ambitious".

Its scope had included tackling endocrine disrupting chemicals, nanomaterials and combination toxicity, but significant inroads have already been made into these issues separately, the sources said.

EU policy now needs to look further into the future, the Commission having paved the way with its second REACH Review and the fitness check of non-REACH chemicals legislation, the latter published last week. It is also addressing the problems posed by the interface between chemicals, products and waste legislation.

Another official did not agree that DG Grow is the dissenting party. Discussions over the strategy spanned several directorates, they said. The department would agree to "whatever the Commission as a whole decides".

The strategy hit a stalemate after the Commission published the sub-studies in 2017, and a final report on the main study. This highlighted the variety and complexity of risks posed by millions of articles used every day and the inadequacy of current EU law.

Industry hurdle

Industry has spoken out against a non-toxic strategy, which it believes is unfeasible and would compromise its ability to compete in an increasingly challenging global chemicals arena.

It wants the language changed to something less contentious, such as "non-toxic production processes in a circular economy", Commission sources said. This, however, dilutes the commitment under 7EAP.

Cefic director general Marco Mensink said he was in favour of a "European chemicals industry industrial policy".

Addressing delegates at a high-level conference in Brussels last week, aimed at soliciting recommendations for the EU's chemicals policy by 2030, he said: "We don't need new legislation, we don't need a non-toxic environment. Sorry, environment ministers, we don't like the word and we don't need it."

EU environment ministers last week urged the Commission to deliver the non-toxic strategy.

The phrase 'non-toxic', Mr Mensink added, looks like "a whole new strategy with more legislation and I don't think we need that. What we need is to start [...] putting things into practice and making things move forward."

One of the options, according to the Commission sources, may be to introduce a reconfigured policy document into the Commission's 2030 chemicals agenda, due sometime next year. This is possible, they said, because the Commission is not legally required to publish the non-toxic strategy.

'Scandal'

The strategy's diminished prospects have caused furore among NGOs, which have regarded it as an important step for reducing EDCs and developing sustainable substitutes. They had also pressed the Commission for its urgent release.

A decision not to publish would be "a scandal," said Tatiana Santos, senior policy officer at the European Environmental Bureau (EEB), adding that NGOs would "fight for it until the end".

The Commission needs to bring out the non-toxic strategy "without delay", Genon Jensen, executive director of Health and Environment Alliance (HEAL), told the 2030 conference. ChemSec senior policy adviser Theresa Kjell echoed the call.

Clelia Oziel

Europe correspondent

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- EU delays non-toxic strategy until new Commission takes helm
- Consultation open on EU Commission's EDC roadmap
- EU revision of nanomaterials definition postponed to 2020
- EU publishes delayed second REACH Review
- Fitness check finds flaws in EU-wide chemical data assessment
- EU publishes sub-studies for non-toxic strategy

- Chemicals in articles under spotlight in EU non-toxic strategy
- 2030 outlook: EU commissioner calls for simpler chemicals laws
- Environment ministers call for sustainable EU chemicals strategy
- NGOs call for EU non-toxic strategy before Commission's term ends

Further Information:

- Non-toxic strategy
- 2030 conference agenda

Norway consults on proposal to curb artificial turf microplastics emissions

2 July 2019 / Alternatives assessment & substitution, Built environment, Microplastics, Norway

The Norwegian EPA has opened a consultation on a proposal to prevent the spread of microplastics from artificial turf pitches that use rubber granules.

The proposal, put forward by the environment ministry in February last year, could reduce emissions by up to 98%, the ministry said.

Rubber granules are small spheres containing plastic and are usually made of old car tyres. According to the Norwegian environment minister Ola Elvestuen, turf pitches containing them are one of the largest sources of microplastics spreading in Norway.

The proposal includes a series of measures for turf owners to implement, including the creation of a physical barrier to ensure that the rubber granules remain within boundaries.

The consultation proposes two options for transitional arrangements. They are:

- three years to introduce requirements for physical barrier and clearing/handling of snow, and six years for those for handling drainage and overwater; or
- the requirements come into effect when the turf undergoes major rehabilitation.

The deadline for comments is 31 October.

Related Articles

- Norway planning rules on emissions from artificial turf microplastics

Further Information:

- Environment ministry press release

Minnesota updates chemicals of high concern to children list

2 July 2019 / Children's products, Substances of concern, US states

Minnesota's Department of Health (MDH) has updated the chemicals of high concern (CHC) list that comes under the state's Toxic Free Kids (TFK) programme.

The CHC list, which was last updated in 2016, contains substances used in consumer products that can be harmful to human or environmental health. The 2009 legislation that put in place the TFK programme directs the department to revise the list every three years.

The update adds 30 substances to the list and removes 52 others. The majority of the additions were a result of updates to other authoritative lists, such as Echa's substances of very high concern (SVHC) list under REACH, or Washington state's Chemicals of High Concern to Children (CHCC) list. The deletions, meanwhile, are primarily attributable to a substance only being used in applications exempted from listing, such as solely being used in a combustible fuel or as a pharmaceutical.

These changes mean the overall size of the list has shrunk from 1,769 chemicals in 2016 to 1,747 this year.

Unlike children's product schemes in other states, Minnesota's programme does not require manufacturers to disclose the use of concerning chemicals in products. Rather, it works "to identify and communicate the potential for hazardous chemical exposures from consumer product uses that could be harmful to human health."

To this end, the MDH reports that it has "made great strides forward in its partnerships, education and outreach efforts since the previous update report in 2016."

Included in this are:

- partnerships with the Interstate Chemicals Clearinghouse (IC2) and higher education institutions;
- expanded distribution of educational materials, including through digital newsletters and broadened social media outreach; and
- engagement in community events.

Kelly Franklin

North America editor

Related Articles

- Minnesota updates chemicals of high concern list

Further Information:

- 2019 CHC update and report
- TFK programme

Floor retailers honour phthalate flooring commitments, say NGOs

2 July 2019 / Phthalates, Retail, United States, Voluntary action

A Mind the Store campaign to eliminate phthalates from vinyl flooring has been broadly successful, according to the organisations responsible. The campaign now plans to tackle their remaining uses sold in retail.

In 2015, US NGO Safer Chemicals, Healthy Families collaborated with the Ecology Center, the Environmental Health Strategy Center and the Healthy Building Network on the campaign.

They secured commitments from major retailers – including Home Depot, Lowe's, Lumber Liquidators, Menards, Ace Hardware and Floor & Decor – to eliminate the substances from flooring.

The organisations have since tested the flooring products on offer and found that the retailers have honoured their commitments.

"Their actions demonstrate the power that retailers have to transform the marketplace away from unnecessary toxic chemicals in building and consumer products to 'mind the store,'" SCHF said.

And, rather than replacing one phthalate plasticiser with another, the retailers moved to non-phthalate options, which the NGO points out as "particularly significant".

"The circular economy will be a failure if we keep reintroducing hazardous chemicals back into commerce," SCHF said.

Related Articles

- NGO platform: shifting to safer chemicals
- Trend in retailers removing phthalates from flooring continues
- Two US retailers ban phthalates from vinyl flooring

Further Information:

- SCHF press release

EU publishes report on chemicals substitution

2 July 2019 / Alternatives assessment & substitution, Europe, REACH, Substances of concern

The EU has released a final report on a study to understand how so-called 'frontrunner' companies have substituted substances of concern from their supply chains, products and portfolios.

Chemicals innovation action agenda: transition to safer chemicals and technologies was produced by consultancy Wood Group and the Lowell Center for Sustainable Production (University of Massachusetts). It was commissioned by the European Commission's environment directorate.

The agenda sets out a series of actions designed to scale investment and innovation in safer chemicals and technologies to accelerate their adoption.

Related Articles

- EU report assigns Commission key SVHC substitution role

Further Information:

- Final report

Commission publishes rules on EU market surveillance, product compliance

2 July 2019 / Electrical & electronics, Enforcement, RoHS

The EU has published the text of its new regulation on market surveillance and compliance of products.

It will apply to products that are subject to legislation concerning chemicals, but only when there are no specific provisions within that to regulate particular aspects of market surveillance and enforcement.

This includes the following regulations:

- REACH;
- CLP;
- cosmetic products; and
- detergents.

And the following directives:

- toy safety;
- restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS);
- end-of-life vehicles; and
- *in vitro* diagnostic medical devices.

The Regulation takes effect from 15 July.

RoHS issues

Online companies from outside the EU selling electrical and electronic goods into the Union market will face new RoHS compliance obligations under the Regulation.

These companies consider the duty to appoint an economic operator responsible for RoHS compliance as an "increased burden", Aidan Turnbull, director of industry-led substances declarations web database BOMCheck, has said.

Article four of the Regulation will make it mandatory for all manufacturers that sell in the Union to have an appointed representative in the EU who can be contacted by enforcement authorities as required by the RoHS Directive.

Related Articles

- Draft EU enforcement regulation a RoHS compliance 'burden'

Further Information:

- Official Journal entry

OTHER ARTICLES

Why 'anti-**toxin** pregnancy guides' aren't enough

Treehugger

Regulatory action is needed to protect women **and** their unborn children from the **chemicals** in household **products**. When you get pregnant, you ...

AG Becerra Files Lawsuit to Force EPA to Issue Rule on **Toxic** Asbestos

YubaNet

SACRAMENTO, July 1, 2019 – California Attorney General Xavier Becerra **and** Massachusetts Attorney General Maura Healey, leading a coalition of ...

Mass Attorney General Leads Lawsuit Against the EPA on Asbestos Regulations - framinghamsource.com

States sue EPA for tougher regulation of asbestos - The Hill

California, 9 states **and** DC sue EPA over asbestos rules

Eureka Times Standard

"It is widely acknowledged that asbestos is one of the most **harmful and toxic chemicals** known to humankind," said Attorney General Becerra.